

City of Round Rock  
Regular City Council Meeting  
April 23, 2009

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The Round Rock City Council met in Regular Session on Thursday, April 23, 2009, in the City Council Chamber, 221 E. Main Street.

[CALL SESSION TO ORDER - 7:00 P.M.](#)

Mayor Pro-Tem Clifford called the meeting to order at 7:04 p.m.

[ROLL CALL](#)

Those members present were Councilmember Rufus Honeycutt, Councilmember George White, Mayor Pro-tem Joe Clifford, Councilmember Carlos Salinas, Councilmember Scott Rhode, and Councilmember Kris Whitfield. Also present were Jim Nuse, City Manager, David Kautz, Assistant City Manager, Cindy Demers, Assistant City Manager, Steve Sheets, City Attorney and Cheryl Delaney, Finance Director. Mayor McGraw was absent from this meeting.

[PLEDGE OF ALLEGIANCE:](#)

Mayor Pro-Tem Clifford led the following Pledges of Allegiance:

3A. United States Flag

3B. Texas State Flag

[CITIZEN COMMUNICATION](#)

There were no citizens wishing to speak at this meeting.

[PROCLAMATIONS:](#)

[5A. Consider proclaiming April 25, 2009 as "Arbor Day" in the City of Round Rock.](#)

Councilmember White read the following proclamation and presented it to Emsud Horozovic:

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than one million trees in Nebraska; and

WHEREAS, 2009 is the 137th Anniversary of Arbor Day and is now a nationally celebrated observance that encourages tree planting and tree care; and

WHEREAS, trees have many wonderful benefits, such as: reducing the erosion of our precious topsoil from wind and water, lowering heating and cooling costs, moderating the temperature, purifying the air, producing life-giving oxygen, providing a habitat for wildlife and beautifying our community; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and trees are a source of joy and spiritual renewal wherever they are planted; and

WHEREAS, the Parks and Recreation Department's Forestry Division, with the help of hundreds of volunteers will be planting 166 trees along Old Settlers Park Trail on Saturday, April 25, 2009, from 9:00 a.m. to noon for Arbor Day;

NOW, THEREFORE, I, Joe Clifford, Mayor Pro-Tem of the City of Round Rock, do hereby proclaim April 23, 2009 as

"ARBOR DAY"

in the City of Round Rock and urge all citizens to support the efforts to protect our trees and woodlands and further urge all citizens to plant trees to gladden the heart and promote the well-being of our community and future generations.

PROCLAIMED this 23rd day of April 2009.

5B. Consider proclaiming April 30, 2009 as "El Dia de Los Ninos: Celebrating Young Americans Day" in the City of Round Rock. Councilmember Salinas read the following

proclamation and presented it to Rigo Valles of the Round Rock Police Department:

WHEREAS, children are the center of the family, and families should have an established day to acknowledge the contributions and value of their children; and

WHEREAS, the National Latino Children's Institute, serving as a voice for Latino children, has designated El Día de Los Niños (Celebrating Young Americans) as a day to bring together Latinos and other communities nationwide to celebrate and uplift all children and ensure they are first in our lives and have a bright future ahead of them; and

WHEREAS, "¡APOYANDONOS!" (Helping One Another) is a valuable, annual effort by the Round Rock Police Department to educate the Hispanic community of Round Rock about police services and procedures, along with helpful community agency information and available programs; and

WHEREAS, Round Rock will join with others across the United States as we celebrate this nationally recognized holiday by supporting "¡APOYANDONOS! en El Día del Niños," a free event for the whole family that will provide an abundance of information regarding health, education and safety for the Hispanic Community;

NOW, THEREFORE, I, Carlos Salinas, on behalf of Joe Clifford, Mayor Pro-Tem of the City of Round Rock, Texas, do hereby proclaim April 30, 2009, as

"El Día de Los Niños: Celebrating Young Americans Day"

and urge all citizens to celebrate now and forever this special day in the lives of children and to also attend the "¡APOYANDONOS! en El Día del Niños" festivities on May 2, 2009, at the Allen R. Baca Center for Senior and Community Activities.

PROCLAIMED this 23rd day of April 2009.

5C. Consider proclaiming May 2009 at "Hispanic Heritage Month." Councilmember Rhode read the following proclamation and presented it to Maria Green of the Round Rock Independent School District as well as members of the Round Rock El Amistad Club:

WHEREAS, throughout the years, Hispanic Americans have played an integral role in the nation's success in science, the arts, business, government, and every other field of endeavor; and

WHEREAS, the talents, creativity, and achievements of Hispanic Americans continue to energize many lives; and

WHEREAS, the warmth and vitality of the Hispanic culture is a great gift and part of the unique fabric of our country; and

WHEREAS, a number of events during the month of May help contribute to the awareness of the Hispanic culture and brings focus to the many traditions that have been handed down from generation to generation;

NOW THEREFORE, I, Scott Rhode, on behalf of Joe Clifford, Mayor Pro-Tem of the City of Round Rock, Texas, do hereby proclaim the month of May 2009 as

"HISPANIC HERITAGE MONTH"

in the City of Round Rock and urge everyone to partake in the many cultural events going on throughout the month on May.

PROCLAIMED this 23rd day of April 2009.

[6A. Consider approval of the City Council minutes for April 9, 2009.](#)

MOTION: Councilmember Rhode moved to approve the City Council minutes for April 9, 2009. Councilmember Whitfield seconded the motion.

VOTE:      Ayes:      Councilmember Honeycutt  
                                 Councilmember White  
                                 Councilmember Salinas  
                                 Councilmember Rhode  
                                 Councilmember Whitfield  
                                 Mayor Pro-tem Clifford  
                 Nays:      None  
                 Absent:      Mayor McGraw

ACTION: The motion carried unanimously.

PRESENTATIONS:

[7A1.      Consider a presentation on the City's Financial Status.](#) Cheryl Delaney, Finance Director made the staff presentation. She presented the Council with some statistics regarding the unemployment rate in Round Rock, the latest sales tax reports and also an update on property tax collections year to date and the projections for property values for next year.

[7B1.      Consider a presentation by Plante & Moran, PLLC regarding the Information Systems Assessment and Business Process Analysis.](#) Daniel Saucedo started the presentation and gave a brief introduction and then turned it over to Adam Rujan and Jason McKinley of Plante & Moran. They went presented background information on the company and went over the findings of the analysis and assessment. Additionally, they covered some of the return on investments they project the City to realize. Cindy Demers, Assistant City Manager wrapped up the presentation.

PUBLIC HEARINGS:

[8A1.      Consider public testimony regarding the proposed unilateral annexation of 9.36 acres of RM 620 right-of-way from the existing city limits near the intersection of Wyoming Springs Drive and RM 620, west to its intersection with Smyers Lane. \(Second Public Hearing\)](#)

Jim Stendebach, Planning and Community Development Director made the staff presentation.

Mayor Pro-Tem opened the public hearing.

There being no testimony, the public hearing was closed.

[8A2. Consider public testimony regarding the unilateral annexation of 1.52 acres of Park Valley right-of-way located west of Wyoming Springs Drive and extending to the boundary of Fern Bluff Municipal Utility District. \(Second Public Hearing\)](#) Jim Stendebach, Planning and Community Development Director made the staff presentation.

Mayor Pro-Tem opened the public hearing.

There being no testimony, the public hearing was closed.

[8A3. Consider public testimony regarding the proposed unilateral annexation of 4.378 acres of Meister Lane right-of-way located south of Gattis School Road and extending southward as Meister Lane into the intersection of IH-45. \(Second Public Hearing\)](#) Jim Stendebach, Planning and Community Development Director made the staff presentation.

Mayor Pro-Tem Clifford opened the Public Hearing.

There being no testimony, the public hearing was closed.

[8A4. Consider public testimony regarding the proposed unilateral annexation of 1.72 acres located immediately south of High Country Boulevard between High Point Drive to the east and Flower Hill Drive to the west. \(Second Public Hearing\)](#) Jim Stendebach, Planning and Community Development Director and Tom Word, Chief of Public Works Operations made the staff presentation.

Mayor Pro-Tem Clifford opened the public hearing.

Steve Sparks, 2701 High Country Boulevard, spoke to Council in opposition of the annexation.

There being no further testimony, the public hearing was closed.

[8A5. Consider public testimony regarding the proposed unilateral annexation of 0.135 acres of SH 45 right-of-way located to the west of the intersection of SH 45 and Greenlawn Boulevard. \(Second Public Hearing\)](#) Jim Stendebach, Planning and Community Development Director made the staff presentation.

Mayor Pro-Tem Clifford opened the public hearing.

There being no testimony, the public hearing was closed.

[8A6. Consider public testimony regarding the proposed unilateral annexation of 2.339 acres of SH 45 right-of-way located to the east of the intersection of SH 45 and Greenlawn Boulevard. \(Second Public Hearing\)](#) Jim Stendebach, Planning and Community Development Director made the staff presentation.

Mayor Pro-Tem Clifford opened the public hearing.

There being no testimony, the public hearing was closed.

[8A7. Consider public testimony regarding the proposed unilateral annexation of 1.607 acres of SH 45 right-of-way located between Greenlawn Boulevard to the west and Jazz Street to the east.\(Second Public Hearing\)](#) Jim Stendebach, Planning and Community Development Director made the staff presentation.

Mayor Pro-Tem Clifford opened the public hearing.

There being no testimony, the public hearing was closed.

[8A8. Consider public testimony regarding the proposed unilateral annexation of 30.02 acres of land located immediately north of East Old Settlers Boulevard between Bluffstone Drive on the west and Settlers Park Loop on the east, northward to the boundary of Settlers Overlook Section 2. \(Second Public Hearing\)](#) Jim Stendebach, Planning and Community Development Director and Tom Word, Chief of Public Works Operations made the staff presentation.

Mayor Pro-Tem Clifford opened the public hearing.

Lucy Guerrero, 3570 Rockin J Road, spoke to the Council in opposition of the annexation.

There being no further testimony, the public hearing was closed.

[8A9. Consider public testimony regarding the proposed unilateral annexation of 5.5 acres located immediately to the northwest of the intersection of East Old Settlers Boulevard and Harrell Parkway between Aaron Ross Way on the east and Settlers Park Loop on the west. \(Second Public Hearing\)](#) Jim Stendebach, Planning and Community Development Director and Tom Word, Chief of Public Works Operations made the staff presentation.

Mayor Pro-Tem Clifford opened the public hearing.

There being no testimony, the public hearing was closed.

[8A10. Consider public testimony regarding the proposed unilateral annexation of 20.69 acres located immediately to the north of East Old Settlers Boulevard, west of Bluffstone Drive, and east and west of its intersection with Fairview Lane. \(Second Public Hearing\)](#) Jim Stendebach, Planning and Community Development Director and Tom Word, Chief of Public Works Operations made the staff presentation.

Mayor Pro-Tem Clifford opened the public hearing.

Hossain Mehrabian, 3200 Old Settlers Boulevard, owner spoke in opposition of the annexation.

There be no further testimony, the public hearing was closed.

[8A11. Consider public testimony regarding the proposed unilateral annexation of 9.939 acres located immediately south of East Old Settlers Boulevard, to the east and west of its intersection with Brenda Lane. \(Second Public Hearing\)](#) Jim Stendebach, Planning and Community Development Director and Tom Word, Chief of Public Works Operations made the staff presentation.

Mayor Pro-Tem Clifford opened the public hearing.

Jim Patterson with Life Connection Church, 3109 E. Old Settlers Boulevard, spoke to the Council in opposition of the annexation.

There being no further testimony, the public hearing was closed.

[8A12. Consider public testimony regarding proposed amendments to Chapter 11, Code of Ordinances, regarding community recreational facilities.](#) Jim Stendebach, Planning and Community Development Director made the staff presentation.

Mayor Pro-Tem Clifford opened the public hearing.

There being no testimony, the public hearing was closed.

ORDINANCES:

[9A1. Consider an ordinance amending Chapter 11, Code of Ordinances, regarding community recreational facilities. \(First Reading\)](#) Jim Stendebach, Planning and Community Development Director made the staff presentation.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 11, SECTIONS 11.415.2, 11.418, AND 11.800, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING COMMUNITY RECREATIONAL FACILITIES; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

MOTION: Councilmember Rhode moved to approve the ordinance. Councilmember

Whitfield seconded the motion.

VOTE:      Ayes:      Councilmember Honeycutt  
                                 Councilmember White  
                                 Councilmember Salinas  
                                 Councilmember Rhode  
                                 Councilmember Whitfield  
                                 Mayor Pro-tem Clifford  
                 Nays:      None  
                 Absent:    Mayor McGraw

ACTION: The motion carried unanimously.

MOTION: Councilmember Honeycutt moved to dispense with second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Salinas seconded the motion.

VOTE:      Ayes:      Councilmember Honeycutt  
                                 Councilmember White  
                                 Councilmember Salinas  
                                 Councilmember Rhode  
                                 Councilmember Whitfield  
                                 Mayor Pro-tem Clifford  
                 Nays:      None  
                 Absent:    Mayor McGraw

ACTION: The motion carried unanimously.

[9B1. Consider an ordinance amending Chapter 3, Section 3.105, and adding Section 3.1600, Code of Ordinances, regarding installation of landscape irrigation systems. \(First Reading\)](#) Michael Thane, Utilities Director made the staff presentation.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 3, SECTION 3.105, AND ADDING SECTION 3.1600, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING INSTALLATION OF LANDSCAPE IRRIGATION SYSTEMS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

MOTION: Councilmember Rhode moved to approve the ordinance. Councilmember

Salinas seconded the motion.

VOTE:     Ayes:     Councilmember Salinas  
                             Councilmember Rhode  
                             Councilmember Whitfield  
                             Mayor Pro-tem Clifford  
                 Nays:     Councilmember Honeycutt  
                             Councilmember White  
                 Absent:     Mayor McGraw

ACTION: The motion carried with four (4) ayes and two (2) nays.

9B2.     Consider an ordinance amending Chapter 10, Section 10.813, Code of

Ordinances, regarding the City's watering schedule. (First Reading) Michael Thane, Utilities

Director made the staff presentation.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 10, SECTION 10.813, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING THE CITY'S WATERING SCHEDULE; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

MOTION: Councilmember White moved to approve the ordinance. Councilmember

Honeycutt seconded the motion.

VOTE:     Ayes:     Councilmember Honeycutt  
                             Councilmember White  
                             Councilmember Salinas  
                             Councilmember Rhode  
                             Councilmember Whitfield  
                             Mayor Pro-tem Clifford  
                 Nays:     None  
                 Absent:     Mayor McGraw

ACTION: The motion carried unanimously.

MOTION: Councilmember Rhode moved to dispense with second reading of the

ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember White seconded the motion.

VOTE:     Ayes:     Councilmember Honeycutt  
                             Councilmember White  
                             Councilmember Salinas  
                             Councilmember Rhode  
                             Councilmember Whitfield  
                             Mayor Pro-tem Clifford  
                 Nays:     None  
                 Absent:     Mayor McGraw

ACTION: The motion carried unanimously.

RESOLUTIONS:



[10A1. Consider a resolution authorizing the Mayor to execute a Construction Contract with Excel Construction Services, LLC for the 2009 Water Treatment Plant Rehabilitation Project - Phase IV Sludge Collection Equipment Retrofits.](#) Michael Thane, Utilities

Director made the staff presentation.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock has duly advertised for bids for the 2009 Water Treatment Plant Rehabilitation Project - Phase IV Sludge Collection Equipment Retrofits Project, and

WHEREAS, Excel Construction Services LLC has submitted the lowest responsible bid, and

WHEREAS, the City Council wishes to accept the bid of Excel Construction Services LLC, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a contract with Excel Construction Services LLC for the 2009 Water Treatment Plant Rehabilitation Project - Phase IV Sludge Collection Equipment Retrofits Project.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of April, 2009.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Whitfield seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Rhode Councilmember Whitfield Mayor Pro-tem Clifford
	Nays:	None
	Absent:	Mayor McGraw

ACTION: The motion carried unanimously.

[10B1. Consider a resolution authorizing the Mayor to execute a Contract for Engineering Services with Freese & Nichols, Inc. for the Storm Water Master Plan-Phase 1 Project.](#) Danny Halden, City Engineer made the staff presentation.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock desires to retain engineering services for the Storm Water Master Plan – Phase I Project, and

WHEREAS, Freese and Nichols, Inc. has submitted a Contract for Engineering Services to provide said services, and

WHEREAS, the City Council desires to enter into said contract with Freese and Nichols, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Contract for Engineering Services with Freese and Nichols, Inc. for the Storm Water Master Plan – Phase I Project, a copy of said contract being attached hereto as Exhibit “A” and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of April, 2009.

MOTION: Councilmember Salinas moved to approve the resolution. Councilmember

Honeycutt seconded the motion.

VOTE:      Ayes:      Councilmember Honeycutt  
   Councilmember White  
   Councilmember Salinas  
   Councilmember Rhode  
   Councilmember Whitfield  
   Mayor Pro-tem Clifford  
                 Nays:      None  
                 Absent:     Mayor McGraw

ACTION: The motion carried unanimously.

[10C1. Consider a resolution adopting the City's Strategic Plan - Game On 2060.](#) Jim

Nuse, City Manager made the staff presentation and turned it over to Dr. Herb Marlowe with Analytica who provided a strategic plan update and the proposed next steps.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, on July 24, 2008 the City Council adopted Resolution No. R-08-07-24-10C1 retaining the firm of Analytica to facilitate and assist in the development of a Strategic Plan, and  
WHEREAS, after a comprehensive process in gathering input from numerous sources, Analytica has developed and recommended that the City Council approve and adopt a Strategic Plan, entitled City’s Strategic Plan – Game On 2060, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the City’s Strategic Plan – Game On 2060, a copy of which is attached hereto as Exhibit “A” and incorporated herein for all purposes, is hereby approved and adopted.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of April, 2009

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Whitfield seconded the motion.

VOTE:     Ayes:     Councilmember Honeycutt  
                             Councilmember White  
                             Councilmember Salinas  
                             Councilmember Rhode  
                             Councilmember Whitfield  
                             Mayor Pro-tem Clifford

                 Nays:     None

                 Absent:     Mayor McGraw

ACTION: The motion carried unanimously.

10C2.     Consider a resolution authorizing the Mayor to execute an Agreement for Professional Services with Analytica for Phase 2 of Strategic Planning. Jim Nuse, City Manager made the staff presentation.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock desires to retain professional consulting services for facilitation and strategic planning advisory services, and

WHEREAS, Analytica has submitted an Agreement for Professional Consulting Services to provide said services, and

WHEREAS, the City Council desires to enter into said agreement with Analytica, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Agreement for Professional Consulting Services for Facilitation and Strategic Planning Advisory Services with Analytica for Phase 2 of Strategic Planning: Sustained High Performance – Execution Through Systems, a copy of same being attached hereto as Exhibit “A” and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended

RESOLVED this 23rd day of April, 2009.

MOTION: Councilmember Salinas moved to approve the resolution. Councilmember White seconded the motion.

VOTE:     Ayes:     Councilmember Honeycutt  
                             Councilmember White  
                             Councilmember Salinas  
                             Councilmember Rhode  
                             Councilmember Whitfield  
                             Mayor Pro-tem Clifford

                 Nays:     None

                 Absent:     Mayor McGraw

ACTION: The motion carried unanimously.

[10C3. Consider a resolution authorizing the Mayor to execute a Joint Election Agreement with Travis County Participating Entities for the May 9, 2009 Election.](#) Sara White, City Secretary made the staff presentation.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock has contracted with Travis County to conduct and provide election services on May 9, 2009; and  
WHEREAS, other political subdivisions have contracted or are contracting with Travis County to conduct and provide election services on May 9, 2009; and  
WHEREAS, pursuant to Section 271.002, Texas Election Code, political subdivisions of the State of Texas are authorized to hold elections jointly in voting precincts that can be served by common polling places if elections are ordered by the authorities of two or more political subdivisions to be held on the same day in all or part of the same territory; and  
WHEREAS, the City of Round Rock wishes to enter into a Joint Election Agreement for the purpose of sharing election equipment, election officials, and sharing precinct polling locations, and election ballots where appropriate; and  
WHEREAS, the City Council desires to enter into a Joint Election Agreement with Travis County, Now Therefore  
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,  
That the Mayor is hereby authorized and directed to execute on behalf of the City, a Joint Election Agreement with Travis County, a copy of said agreement being attached hereto as Exhibit “A” and incorporated herein for all purposes.  
The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.  
RESOLVED this 23rd day of April, 2009.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Whitfield seconded the motion.

VOTE:     Ayes:     Councilmember Honeycutt  
                                 Councilmember White  
                                 Councilmember Salinas  
                                 Councilmember Rhode  
                                 Councilmember Whitfield  
                                 Mayor Pro-tem Clifford  
                 Nays:     None  
                 Absent:    Mayor McGraw

ACTION: The motion carried unanimously.

[10D1. Consider a resolution authorizing the Mayor to execute a Statement Covering Utility Construction Contract Work with the Texas Department of Transportation regarding the FM 1460 \(A.W. Grimes Blvd.\) Widening Project.](#) Tom Word, Chief of Public Works Operations made the staff presentation.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, on September 28, 2006, the City of Round Rock approved a Standard Utility Agreement ("Agreement") with the State of Texas, acting by and through the Texas Department of Transportation ("TxDOT") regarding the widening of FM 1460 from north of Old Settlers Blvd. to US 79, and

WHEREAS, the City of Round Rock desires to enter into a Statement Covering Utility Construction Contract Work with TxDOT in relation to the Agreement, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Statement Covering Utility Construction Contract Work with TxDOT, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of April, 2009.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Salinas seconded the motion.

VOTE:     Ayes:     Councilmember Honeycutt  
                             Councilmember White  
                             Councilmember Salinas  
                             Councilmember Rhode  
                             Councilmember Whitfield  
                             Mayor Pro-tem Clifford  
                 Nays:     None  
                 Absent:    Mayor McGraw

ACTION: The motion carried unanimously.

[10D2. Consider a resolution authorizing the Mayor to execute a Utility Adjustment Agreement with Southwestern Bell Telephone Company, dba AT&T Texas for the Southwest Area Downtown Infrastructure Project.](#) Tom Word, Chief of Public Works Operations made the staff presentation.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock wishes to enter into a Utility Adjustment Agreement with Southwestern Bell Telephone Company d/b/a AT&T Texas ("AT&T") for the removal and relocation of aerial utility facilities into a City-owned underground duct bank facility in connection with the Southwest Area Downtown Infrastructure Improvements Project, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City said Utility Adjustment Agreement with AT&T, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and

the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of April, 2009.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Salinas seconded the motion.

VOTE:      Ayes:      Councilmember Honeycutt  
                                 Councilmember White  
                                 Councilmember Salinas  
                                 Councilmember Rhode  
                                 Councilmember Whitfield  
                                 Mayor Pro-tem Clifford  
                 Nays:      None  
                 Absent:    Mayor McGraw

ACTION: The motion carried unanimously.

[10D3. Consider a resolution authorizing the Mayor to execute a Supplemental Agreement to the Public Road Crossing Improvement Agreement with Union Pacific Railroad Company for the Sam Bass Road Project.](#) Tom Word, Chief of Public Works Operations made the staff presentation.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock (“City”) and the Union Pacific Railroad Company (“UPRR”) entered into a Public Road Crossing Improvement Agreement (“Agreement”) for the crossing at Sam Bass Road, on August 28, 2008, and

WHEREAS, the City now desires to enter into a Supplemental Agreement to the Agreement, and

WHEREAS, the City Council wishes to approve said Agreement, Now Therefore  
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Supplemental Agreement with Union Pacific Railroad Company, a copy of same being attached hereto as Exhibit “A” and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of April, 2009.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Rhode seconded the motion.

VOTE:      Ayes:      Councilmember Honeycutt  
                                 Councilmember White  
                                 Councilmember Salinas  
                                 Councilmember Rhode  
                                 Councilmember Whitfield  
                                 Mayor Pro-tem Clifford

Nays: None  
Absent: Mayor McGraw

ACTION: The motion carried unanimously.

APPOINTMENT

11A. Consider the appointment of a representative and one alternate to the Technical Review Committee for the Brushy Creek Regional Wastewater System. Jim Nuse, City Manager made the staff presentation.

MOTION: Councilmember Whitfield moved to free form appoint by acclamation Cindy Demers as the representative and Michael Thane as the alternate.. Councilmember Rhode seconded the motion.

VOTE: Ayes: Councilmember White  
Councilmember Honeycutt  
Councilmember Whitfield  
Councilmember Salinas  
Councilmember Rhode  
Mayor Pro-tem Clifford  
Nays: None  
Absent: Mayor McGraw

ACTION: The motion carried unanimously.

COUNCIL COMMENTS

ADJOURNMENT

There being no further business, the meeting adjourned at 10:18 p.m.

Respectfully Submitted,

Sara L. White, City Secretary